

NEW YORK TIMES  
13 NOVEMBER 1981

ARTICLE APPEARED  
ON PAGE A-18

## Jury Told of Attack on Libyan

FORT COLLINS, Colo., Nov. 12 (UPI) — Eugene A. Tafoya's lawyer said today that Mr. Tafoya, a former Green Beret, believed that he was working for the Central Intelligence Agency and acted in self-defense when he shot and partly blinded a dissident Libyan who is a student in the United States.

Mr. Tafoya is charged with attempted murder in the shooting last year of Faisal Zagallai, a graduate student at Colorado State University who is a vocal opponent of the Libyan leader, Col. Muammar el-Qaddafi. Opening arguments in the trial began today.

"This is the case of the soldier left out in the cold, the case of the forgotten patriot," the lawyer, Walter Gerash, told the jury of nine women and three men.

District Attorney Stuart Van Meveran said he would call as many as 50 witnesses to show that Mr. Tafoya had plotted to kill Mr. Zagallai. In his opening arguments, the prosecutor did not mention any motive.

Armed deputies with dogs patrolled the site of the trial, the Larimer County Courthouse, and spectators were screened with metal detectors. Mr. Tafoya and the jurors were brought in by a separate entrance.

The security measures were taken because of reports that Mr. Tafoya or potential witnesses might be the target of an assassin.

Before the trial began, investigators said that Mr. Tafoya might have been hired by the Government of the militant Arab nation in North Africa to kill Mr. Zagallai.

Mr. Gerash said his client thought he was carrying a message from the Central Intelligence Agency to Mr. Zagallai asking him to stop making public comments critical of Colonel Qaddafi. Mr. Gerash admitted that Mr. Tafoya went to Mr. Zagallai's apartment the night of the shooting, Oct. 14, 1980. He said, however, that his client did not act like an assassin: he did nothing to hide his identity and he confronted Mr. Zagallai in person instead of lying in wait.

Mr. Tafoya has said that Mr. Zagallai became outraged during their meeting and drew a gun. Mr. Tafoya said he then shot the graduate student in self-defense. Mr. Zagallai was shot twice in the head but survived, losing the sight in one eye.

### A Belief Described

Mr. Tafoya, 47 years old, applied for a job with the Central Intelligence Agency when he was discharged from the military in 1976, Mr. Gerash said. When he was contacted by a man in 1979 who appeared to know what was in his application to the agency, the lawyer said, Mr. Tafoya believed that the man worked for the agency.